

## Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 IO-13 DHA-02 CIAE-00 DODE-00 PM-04 H-01

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 /070 W

-----251137 041386 /12

R 250918Z FEB 77

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 6444

C O N F I D E N T I A L SECTION 1 OF 2 MANILA 2874

E. O. 11652: GDS

TAGS: OVIP, SHUM, RP

SUBJECT: VISIT OF ICJ REPRESENTATIVE

REF: MANILA 2359

SUMMARY: ON FEBRUARY 25, ICJ CHAIRMAN BUTLER TOLD AMBASSADOR HIS TWO-WEEK STAY HAD GIVEN HIM "GOOD OVERVIEW" AND TERMED ACCESS TO AND COOPERATION FROM GOP OFFICIALS "FIRST RATE." BUTLER WILL INCORPORATE SOCIO-ECONOMIC RIGHTS INTO REPORT, AND IS DISTURBED BY WIDENING GAP BETWEEN RICH AND POOR. AS LAWYER, HE UNCERTAIN WHETHER MARTIAL LAW REALLY JUSTIFIED IN PHILIPPINES UNDER INTERNATIONAL LAW. HE THOUGHT DETENTION CONDITION OF PENAL PRISONERS SHOCKING AND SAID POLITICAL PRISONERS FAR BETTER TREATED. HE BELIEVES MILITARY DISCIPLINE IMPROVING. BUTLER, WHO SPOKE TO CHURCH OFFICIALS, BELIEVES CLOSING OF CHURCH-OPERATED RADIO STATIONS AND PUBLICATIONS POSES SERIOUS HUMAN RIGHTS ISSUE. HE SEEMED EXCEPTIONALLY CONCERNED BY CASE OF PURIFICATION PEDRO WHICH HE DISCUSSED IN CONSIDERABLE DETAIL WITH GOP AND MEMBERS OF FAMILY. WE CONTINUE BELIEVE FINAL ICJ REPORT WILL BE BALANCED AND MODERATE, BUT BUTLER IS CLEARLY DISTURBED BY CERTAIN ASPECTS OF GOP HUMAN RIGHTS RECORD AND WILL NOT BE RELUCTANT TO HIGHLIGHT THESE IN REPORT. END SUMMARY.

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1. ICJ CHAIRMAN BUTLER CALLED ON AMBASSADOR FEBRUARY 25 TO DEBRIEF HIM ON HIS TWO-WEEK STAY IN PHILIPPINES. HE SAID HE HAD OBTAINED VERY GOOD OVERVIEW AND TERMED ACCESS TO GOP OFFICIALS "FIRST RATE". BUTLER, WHO SPENT CONSIDERABLE TIME WITH VARIOUS ECONOMIC EXPERTS, SAID HIS REPORT WOULD ADDRESS SOCIO-ECONOMIC DIMENSION OF HUMAN RIGHTS. HE WAS DISTURBED BY A) WIDENING GAP BETWEEN RICH

AND POOR; B) INCREASING MALNUTRITION IN COUNTRYSIDE;  
C) NO TRICKLING DOWN OF PROSPERITY TO RURAL REGIONS; AND  
D) ALEGED LACK OF CONSTRUCTIVE SOCIAL AND ECONMIC PROGRAMS  
ON LOCAL LEVEL.

2. BUTLER SAID ONE PRINCIPAL UNRESOLVED QUESTIONS FOR  
HIM IS WHETHER MARTIAL LAW REALLY JUSTIFIED UNDER INTER-  
NATIONAL LAW. DURING TWO HOUR INTERVIEW WITH MARCOS  
FEBURARY 23, PRESIDENT MADE STRONG CASE THAT THERE WAS  
ACTIVE INSURGENCY WHICH JUSTIFIED MARTIAL LAW'S CONTINUA-  
TION. BUTLER ALSO SPOKE TO FIGURES IN OPPOSITION, AS WELL  
AS PROMINENT LEGAL FIGURES ABOUT JUSTIFICATION OF MARTIAL  
LAW. BUTLER GAVE STRONG IMPRESSION HE WAS STILL NOT SURE  
AS LAWYER WHETHER MARTIAL LAW JUSTIFIED. HE ALSO EXPRESSED  
DOUBT MARTIAL LAW PROCESS COULD BE REVERSED.

3. BUTLER VISITED DETENTION CENTERS IN METRO-MANILA,  
DAVAO AND CEBU. HE PERSONALLY INTERVIEWED 150 PRISONERS  
AND HAS TAPES OF EACH INTERVIEW. HE SPENT TIME WITH  
SENATOR AQUINO WHO IS PREPARING STATEMENT WHICH HE  
HOPES TO DELIVER ON CONCLUDING DAY OF HIS TRIAL WHICH HE  
(AQUINO) NOW PROJECTS FOR END OF MARCH. BUTLER ALSO SAW  
LOPEZ/OSMENA AND THREE IMPRISONED CLERICS (DELATORRE,  
NACU, AND NABAYRA). HE IS CARRYING A LETTER  
FROM CLERICS TO WORLD COUNCIL OF CHURCHES. BUTLER ALSO  
SAW JOSE LUNETTA WHO HAS BEEN SUBJECT OF SEVERAL  
CONGRESSIONAL INQUIRIES.

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C O N F I D E N T I A L SECTION 2 OF 2 MANILA 2874

4. DURING DISCUSSIONS WITH SECRETARY ENRILE, BUTLER WAS  
TOLD THERE WERE APPROXIMATELY 1,400 DETAINEES FOR "CRIMES  
AGAINST NATIONAL SECURITY," OF WHOM 200 WERE LABELED  
HARDCORE SUBVERSIVES UNLIKELY TO BE RELEASED. THIS IS SAME

FIGURE ENRILE GAVE NYT'S KAMM (SEE PARA 14 STATE 039210). FIGURE ALSO INCLUDES "FLOATING" GROUP OF DETAINEES, PRESUMABLY INDIVIDUALS PICKED UP AND DETAINED FOR SHORT PERIODS. ON MALTREATMENT QUESTION BUTLER HAD GENERAL IMPRESSION "THINGS ARE GETTING BETTER" AND THAT MILITARY DISCIPLINE IS IMPROVING. HE SUGGESTED TO PRESIDENT CREATION OF OMBUDSMAN UNDER ARTICLE XII OF PHILIPPINE CONSTITUTION AND MENTIONED FORMER CHIEF JUSTICE CONCEPCION OR JUSTICE J.B. L. REYES AS CANDIDATES. FYI- CONCEIVABLY MARCOS MIGHT SEE SOME PR ADVANTAGE IN FOLLOWING BUTLER'S SUGGESTION, BUT POSSIBILITY OF HIS CHOOSING CRITICS LIKE CONCEPCION OR REYES REMOTE. END FYI.

5. BUTLER SPOKE TO SEVERAL CHURCHMEN INCLUDING BISHOPS CLAVER AND REGAN. HE TERMED GOP'S CLOSING OF RADIO STATIONS AND SIGNS OF THE TIMES AND COMMUNICATOR "VRY SERIOUS HUMAN RIGHTS ISSUE WHICH WE WILL HAVETO CONDEMN THEM FOR." BUTLER, WHO ASKED RHETORICALLY WHETHER GOP WOULD REALLY BE "NUTTY ENOUGH" TO ARREST A BISHOP, SUGGESTED THAT IF IT TOOK SUCH ACTION IT WOULD HAVE U.S. PUBLIC OPINION DONW ON ITS WITH A VENGEANCE. BUTLER ALSO CONFIDENTIAL

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ALLUDED TO ANTI-GOP PRESSURES FROM U.S. RELIGIOUS GROUPS, INCLUDING WORLD COUNCIL OF CHURCHES AND CATHOLIC BISHOPS' CONFERENCE GENERATED BY GOP'S POLICY TOWARD CHURCH.

6. AS NOTABLE EXCEPTION TO IMPROVING CLIMATE IN POLITICAL DETAINEE TREATMENT, BUTLER NOTED CASE OF PURIFICACION PEDRO (SEE MANILA 2206). HE HAD DISCUSSED CASE THREE HOURS WITH MISS PEDRO'S SISTER AND WAS ALLOWED TO EXAMINE COL. AURE WHO INTERROGATED MISS PEDRO PRIOR TO HER DEATH. BUTLER SAID PEDRO CASE "STINKS TO HIGH HEAVEN". SECRETARY ENRILE IS "UPSET" BY CASE AND TOLD HIM "COUPLE OF BAD APPLES CAN SPOIL BUSHEL". BUTLER LATER TOLD EMB-OFF HE WAS PERSUADED COL. AURE HAD LIED ABOUT CASE AND HE (BUTLER) WILL CONTINUE TO FOLLOW IT CLOSELY.

7. COMMENT: AFTER BUTLER DEBRIEFING, WE STILL HAVE IMPRESSION (REFTEL) HE WANTS PRODUCE BALANCED REPORT. AS LAWYER, HOWEVER, HE SEEMS UNCERTAIN ABOUT LEGAL BASIS FOR MARTIAL LAW AND IS CONCERNED ABOUT IRRESVERSIBLE NATURE OF MARCOS' AUTHORITARIAN EXPERIMENT. WHILE HE BELIEVES MILITARY DISCIPLINE AND THE GENERAL HANDLING OF POLITICAL PRISONERS HAVE IMPROVED, HE IS DISTURBED BY PHYSICAL CONDITIONS OF PENAL PRISONERS AND MAY HIGH-LIGHT THIS. WE ALSO SUSPECT HE WILL SINGLE OUT GOP FOR CRITICISM ON BASIS OF ITS DECISION CLOSE CHURCH RADIO STATIONS AND NEWSPAPERS. SULLIVAN

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## Message Attributes

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**Type:** TE  
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